

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA,)
v.)
SHANNON NICHOLE WIDENER) No. 2:09-CR-13

MOTION FOR DOWNWARD DEPARTURE
PURSUANT TO U.S.S.G. § 5K1.1

Comes now the United States of America, by and through James R. Dedrick, United States Attorney for the Eastern District of Tennessee, and files this motion for downward departure pursuant to U.S.S.G. § 5K1.1, based on defendant Widener's cooperation with law enforcement in the investigation of others.

Defendant Shannon Nichole Widener has entered a plea to possession of a firearm by an unlawful user and addict of controlled substance. This is a result of her arrest, along with the arrest of her boyfriend, Josh Carr, and his subsequent plea of guilty to trafficking in marijuana and possession of a firearm during and in relation to a drug trafficking offense. The presentence report has been prepared by U.S. Probation and the United States concurs that her base offense level is 13 with a criminal history category of I resulting in an advisory guideline range of 12-18 months.

Widener did cooperate and agree to testify against Carr should he go to trial. Subsequent to that, he entered a guilty plea to the drug trafficking and firearms charge, and the United States believes Widener's cooperation contributed to that plea. Therefore, the United States would recommend a one-level reduction based on her cooperation which would result in an offense level of 12, criminal history category I, and an advisory guideline range of 10-16 months. More importantly, this would reduce Widener's sentence to a Zone C sentence and allow the Court to consider split confinement.

During the course of the investigation and as reflected in paragraphs 52 and 53 of the presentence report, Widener has a very bad drug addiction. Since her sentencing range would not allow the Court to consider the 500 hour drug treatment program, the United States would suggest the Court consider as part of her sentence, halfway house time along with drug treatment, counseling and testing.

Respectfully submitted,

JAMES R. DEDRICK
United States Attorney

By: *sl Robert M. Reeves*
ROBERT M. REEVES BPR: 011110
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2009 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other interested parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

By: *sl Robert M. Reeves*
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